



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

February 10, 1988

Honorable Kenneth Bain, Jr.  
Floyd County Attorney  
P. O. Box 176  
Floydada, Texas 79235

LO-88-16

Re: Microfilm recordation and indexing of Abstracts of  
Judgement

Dear Mr. Bain:

Thank you for your letter, dated January 5, 1988, regarding county clerks' duty to record and index abstracts of judgment. You are correct in your interpretation of Attorney General Opinion JM-224 (1984). That opinion says only that, if a county clerk has opted to use a microfilm system of recordation, abstracts of judgment do not need to be recorded separately from other real property records.

Section 2, chapter 886, Acts of the 62nd Legislature, Regular Session, 1971, repealed all laws or parts of laws in conflict with the act, to the extent of the conflict only. The principal effect of that law was to eliminate the requirement that instruments recorded by the county clerk be recorded in a "a well bound book." See Revisor's Note, §52.004, Vernon's Texas Property Code.

The requirements that the county clerk immediately record a properly authenticated abstract of judgment and enter the abstract on the alphabetical index to judgment records were unaffected by the enactment of that law and by the county clerk's decision to adopt a microfilm system of recordation. Section 194.006 of the Local Government Code details the indexing requirements for microfilmed documents. Please note that subdivision (a) of that section requires that an instrument be indexed and cross-indexed in the indexes to that public record. The use of the plural "indexes" makes it clear that a public record, such as "Official Public Records of Real Property"

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"Official Public Records of Real Property" may have more than one index. Finally, while the abstract is not required to be recorded separately with other judgments, subdivision (b)(2) of section 194.006 does require an index notation of the name of the record in which it would be recorded under other laws relating to bound volumes, i.e. "Judgments."

Yours very truly,

A handwritten signature in cursive script, appearing to read "Rick Gilpin".

Rick Gilpin, Chairman  
Opinion Committee

RG/PR/er